

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 14364US16)

In the Application of:

Joseph Kubler et al.

U.S. Patent: 7,760,703

Issue Date: July 20, 2010

Serial No.: 10/783,883

Filed: February 20, 2004

***For: HIERARCHICAL DATA
COLLECTION NETWORK
SUPPORTING PACKETIZED VOICE
COMMUNICATIONS AMONG
WIRELESS TERMINALS AND
TELEPHONES***

Examiner: John Pezzlo

Group Art Unit: 2465

Confirmation No.: 7739

Transmitted via the Office electronic filing system ***September 20, 2010.***

**APPLICATION FOR RECONSIDERATION OF THE
PATENT TERM ADJUSTMENT UNDER 35 U.S.C. § 154(b)
INDICATED IN THE PATENT (37 CFR § 1.705(d))**

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

The applicant respectfully requests reconsideration of the patent term adjustment indicated on the cover page of the patent ("the patent PTA decision"), to the extent indicated in the following discussion and the enclosed modified version of the current USPTO Patent Term Adjustment calculation on PAIR ("The Spreadsheet"). The spreadsheet and the total PTAs indicated in this paper also reflect aspects of the current USPTO Patent Term Adjustment calculation on PAIR that have already been the subject of an earlier request for recalculation under 37 CFR § 1.705(b).

This application for reconsideration of the patent PTA decision is being filed within two months after the patent issue date.

This application for reconsideration of the patent PTA decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the patent PTA decision includes below a statement of the facts involved in sufficient detail to allow the United States Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items that arose after allowance.

The Applicant's calculation shows that the correct patent term adjustment, accounting for previously disputed and presently disputed items, should be 1760 days.

The basis under § 1.702 and 37 CFR § 1.705(d) for the adjustment is as follows.

Reductions in Patent Term Adjustment

Incorrect PTA Reduction Calculation for Paper After Allowance 37 CFR § 1.704(c)(10)

The applicant is contesting the following application(s) of 37 CFR § 1.704(c)(10) to reduce the patent term adjustment in the present application due to a paper filed after the Notice of Allowance has been mailed.

The USPTO is believed to be characterizing the Amendments after Notice of Allowance (Rule 312) filed on March 4 and April 27, 2010, as papers delaying prosecution. The USPTO is believed to be characterizing the papers mailed by the USPTO on April 28 and June 9, 2010, as responses to these papers. The reduction of PTA asserted by the USPTO is 139 days.

The Applicant's position is that this determination is incorrect. The correct amount of reduction is submitted by the Applicant to be 98 days, which is the difference between March 4, 2010 (the receipt date of the first 312 Amendment), and June 9, 2010 (the mailing date of the last response to 312 Amendment) *plus one day, but not exceeding four months.*

Net Patent Term Adjustment

The changes requested by the Applicant to the USPTO patent term adjustment determination in the patent PTA decision are as follows:

Reductions in Patent Term Adjustment

- Incorrect PTA Reduction Calculation for Paper After Allowance
37 CFR § 1.704(c)(10)

| | Patent Term Adjustment (days) |
|------------------------------|--------------------------------------|
| USPTO Calculation | 139 |
| Applicant Calculation | 97 |

Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 1761 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Date: September 20, 2010

By: /Kevin E. Borg/
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Reg. No. 51,486
Agent for Applicants

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Chicago, Illinois 60661
Telephone: (312) 775-8000

PATENT TERM ADJUSTMENT SPREADSHEET

Ser. No. 10/783883

Docket No. 14364US16

| APPLICANT'S CALCULATION | | | |
|-------------------------|--|-----------|----------------|
| DATE | EVENT | PTO Delay | Appl. Delay |
| 7/21/2010 | 3/4/2010 + 54 + 82 + 3 | | |
| 7/20/2010 | PTA 36 Months | 1246 | 1246.00 |
| | Patent Issue Date Used in PTA Calculation | | |
| 7/20/2010 | 16 | 16.00 | |
| 7/4/2010 | Four months after issue fee is paid | | -16.00 |
| 6/21/2010 | Export to Final Data Capture | | |
| 6/14/2010 | Dispatch to FDC | | |
| 6/9/2010 | Mail Response to 312 Amendment (PTO-271) | | 98.00 |
| 6/7/2010 | Response to Amendment under Rule 312 | | |
| 4/29/2010 | Mail Response to 312 Amendment (PTO-271) | | |
| 4/28/2010 | Response to Amendment under Rule 312 | | |
| 4/27/2010 | Amendment after Notice of Allowance (Rule 312) | | 3 |
| 4/27/2010 | Amendment after Notice of Allowance (Rule 312) | 0 | |
| 4/27/2010 | Workflow - Drawings Finished | 82 | |
| 3/19/2010 | Finished Initial Data Capture | | |
| 3/18/2010 | Application Is Considered Ready for Issue | | |

| USPTO CALCULATION | | | |
|-------------------|---|-----------|-------------|
| DATE | EVENT | PTO Delay | Appl. Delay |
| 3/4/2010 | Amendment after Notice of Allowance (Rule 312) | 54 | 54 |
| 3/4/2010 | Issue Fee Payment Verified | | |
| 3/4/2010 | Issue Fee Payment Received | | |
| 2/19/2010 | Export to Initial Data Capture | | |
| 2/16/2010 | Mail Notice of Allowance | | |
| 2/10/2010 | Issue Revision Completed | | |
| 2/8/2010 | Notice of Allowance Data Verification Completed | | |
| 2/8/2010 | Allowed Case Returned to the Examiner for Clerical Processing | | |
| 2/8/2010 | Document Verification | | |
| 2/4/2010 | Notice of Allowability | | |
| 2/1/2010 | Paralegal TD Accepted | | |
| 1/12/2010 | Date Forwarded to Examiner | | |
| 12/28/2009 | Terminal Disclaimer Filed | 0 | 0 |
| 12/28/2009 | Response after Ex Parte Quayle Action | | |
| 12/7/2009 | Mail Ex Parte Quayle Action (PTOL - 326) | 2 | 2 |
| 12/5/2009 | Ex Parte Quayle Action | | |
| 12/5/2009 | Four months after response to Non-Final | | |

USPTO CALCULATION

| DATE | EVENT | PTO Delay | Appl. Delay |
|------------|--|-----------|-------------|
| 10/6/2009 | Case Docketed to Examiner in GAU | | |
| 9/23/2009 | Date Forwarded to Examiner | | |
| 9/1/2009 | Paralegal TD Not accepted | | |
| 8/5/2009 | Response after Non-Final Action | | |
| 7/14/2009 | Mail Non-Final Rejection | | |
| 7/13/2009 | Non-Final Rejection | | |
| 5/19/2009 | Date Forwarded to Examiner | | |
| 3/31/2009 | Response after Non-Final Action | 59 | |
| 3/31/2009 | Request for Extension of Time - Granted | | |
| 1/31/2009 | Three months after Office action | | |
| 10/31/2008 | Mail Non-Final Rejection | 1290 | |
| 10/27/2008 | Non-Final Rejection | | |
| 10/20/2008 | Reference capture on IDS | | |
| 10/20/2008 | Information Disclosure Statement (IDS) Filed | | |
| 10/20/2008 | Information Disclosure Statement considered | | |
| 10/20/2008 | Information Disclosure Statement (IDS) Filed | | |
| 10/4/2008 | Case Docketed to Examiner in GAU | | |

APPLICANT'S CALCULATION

USPTO CALCULATION

| DATE | EVENT | PTO Delay | Appl. Delay |
|------------|--|-----------|-------------|
| 9/9/2008 | Case Docketed to Examiner in GAU | | |
| 9/3/2008 | Case Docketed to Examiner in GAU | | |
| 8/28/2008 | Case Docketed to Examiner in GAU | | |
| 7/21/2008 | Information Disclosure Statement considered | | |
| 7/21/2008 | Information Disclosure Statement (IDS) Filed | | |
| 2/19/2008 | Case Docketed to Examiner in GAU | | |
| 10/17/2007 | Withdraw Flagged for 5/25 | | |
| 10/16/2007 | Case Docketed to Examiner in GAU | | |
| 10/15/2007 | Flagged for 5/25 | | |
| 8/23/2007 | Information Disclosure Statement considered | | |
| 8/23/2007 | Reference capture on IDS | | |
| 8/23/2007 | Electronic Information Disclosure Statement | | |
| 8/23/2007 | Information Disclosure Statement (IDS) Filed | | |
| 6/14/2007 | Case Docketed to Examiner in GAU | | |
| 6/14/2007 | Case Docketed to Examiner in GAU | | |
| 2/20/2007 | Three year date | | |

APPLICANT'S CALCULATION

| USPTO CALCULATION | | | | APPLICANT'S CALCULATION | | | |
|-------------------|--|-----------|-------------|-------------------------|-------|-----------|-------------|
| DATE | EVENT | PTO Delay | Appl. Delay | DATE | EVENT | PTO Delay | Appl. Delay |
| 11/16/2006 | Information Disclosure Statement considered | | | | | | |
| 11/16/2006 | Reference capture on IDS | | | | | | |
| 11/16/2006 | Information Disclosure Statement (IDS) Filed | | | | | | |
| 11/16/2006 | Information Disclosure Statement (IDS) Filed | | | | | | |
| 10/23/2006 | Information Disclosure Statement considered | | | | | | |
| 10/23/2006 | Reference capture on IDS | | | | | | |
| 10/23/2006 | Information Disclosure Statement (IDS) Filed | | | | | | |
| 10/23/2006 | Information Disclosure Statement (IDS) Filed | | | | | | |
| 10/19/2006 | Case Docketed to Examiner in GAU | | | | | | |
| 10/17/2006 | Case Docketed to Examiner in GAU | | | | | | |
| 10/10/2006 | Case Docketed to Examiner in GAU | | | | | | |
| 10/10/2006 | Case Docketed to Examiner in GAU | | | | | | |
| 10/5/2006 | Case Docketed to Examiner in GAU | | | | | | |
| 6/23/2006 | Information Disclosure Statement considered | | | | | | |
| 6/23/2006 | Electronic Information Disclosure Statement | | | | | | |

| | | |
|------------|---|--------------------------|
| 10/783,883 | HIERARCHICAL DATA COLLECTION NETWORK SUPPORTING PACKETIZED VOICE COMMUNICATIONS AMONG WIRELESS TERMINALS AND TELEPHONES | 09-13- 2010::14:56:45 |
|------------|---|--------------------------|

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/783,883

| | | | |
|------------------------|------------|--|------|
| Filing or 371(c) Date: | 02-20-2004 | Overlapping Days Between {A and B} or {A and C}: | 637 |
| Issue Date of Patent: | 07-20-2010 | Non-Overlapping USPTO Delays: | 1917 |
| A Delays: | 1308 | PTO Manual Adjustments: | 0 |
| B Delays: | 1246 | Applicant Delays: | 198 |
| C Delays: | 0 | Total PTA Adjustments: | 1719 |

Patent Term Adjustment History Explanation Of Calculations

| Number | Date | Contents Description | PTO (Days) | APPL (Days) | Start |
|--------|------------|--|---------------|----------------|-------|
| 105.5 | 07-20-2010 | PTA 36 Months | 1246 | | 0 |
| 105 | 07-20-2010 | Patent Issue Date Used in PTA Calculation | 16 | | 92 |
| 104 | 06-21-2010 | Export to Final Data Capture | | | 0 |
| 103 | 06-14-2010 | Dispatch to FDC | | | 0 |
| 102 | 06-09-2010 | Mail Response to 312 Amendment (PTO-271) | | | 0 |
| 101 | 06-07-2010 | Response to Amendment under Rule 312 | | | 0 |
| 100 | 04-27-2010 | Amendment after Notice of Allowance (Rule 312) | 3 | | 99 |
| 99 | 04-29-2010 | Mail Response to 312 Amendment (PTO-271) | | | 0 |
| 98 | 04-28-2010 | Response to Amendment under Rule 312 | | | 0 |
| 97 | 04-27-2010 | Amendment after Notice of Allowance (Rule 312) | 0 | | 99 |
| 96 | 04-27-2010 | Workflow - Drawings Finished | 82 | | 99 |
| 95 | 03-19-2010 | Finished Initial Data Capture | | | 0 |
| 94 | 03-04-2010 | Amendment after Notice of Allowance (Rule 312) | 54 | | 99 |
| 93 | 03-18-2010 | Application Is Considered Ready for Issue | | | 0 |
| 92 | 03-04-2010 | Issue Fee Payment Verified | | | 0 |
| 91 | 03-04-2010 | Issue Fee Payment Received | | | 0 |
| 90 | 02-19-2010 | Export to Initial Data Capture | | | 0 |
| 89 | 02-16-2010 | Mail Notice of Allowance | | | 0 |

| | | | |
|----|------------|---|---------|
| 88 | 02-10-2010 | Issue Revision Completed | 0 |
| 87 | 02-08-2010 | Notice of Allowance Data Verification Completed | 0 |
| 86 | 02-08-2010 | Allowed Case Returned to the Examiner for Clerical Processing | 0 |
| 85 | 02-08-2010 | Document Verification | 0 |
| 84 | 02-04-2010 | Notice of Allowability | 0 |
| 78 | 02-01-2010 | Paralegal TD Accepted | 0 |
| 77 | 12-28-2009 | Terminal Disclaimer Filed | 0 75 |
| 76 | 01-12-2010 | Date Forwarded to Examiner | 0 |
| 75 | 12-28-2009 | Response after Ex Parte Quayle Action | 0 |
| 74 | 12-07-2009 | Mail Ex Parte Quayle Action (PTOL - 326) | 2 70 |
| 73 | 12-05-2009 | Ex Parte Quayle Action | 0 |
| 72 | 10-06-2009 | Case Docketed to Examiner in GAU | 0 |
| 71 | 09-23-2009 | Date Forwarded to Examiner | 0 |
| 70 | 08-05-2009 | Response after Non-Final Action | 0 |
| 69 | 09-01-2009 | Paralegal TD Not accepted | 0 |
| 68 | 07-14-2009 | Mail Non-Final Rejection | 0 |
| 67 | 07-13-2009 | Non-Final Rejection | 0 |
| 63 | 05-19-2009 | Date Forwarded to Examiner | 0 |
| 62 | 03-31-2009 | Response after Non-Final Action | 59 58 |
| 61 | 03-31-2009 | Request for Extension of Time - Granted | 0 |
| 60 | 10-20-2008 | Reference capture on IDS | 0 |
| 59 | 10-20-2008 | Information Disclosure Statement (IDS) Filed | 0 |
| 58 | 10-31-2008 | Mail Non-Final Rejection | 1290 -1 |
| 57 | 10-27-2008 | Non-Final Rejection | 0 |
| 56 | 05-08-2006 | Information Disclosure Statement considered | 0 |

| | | | |
|------|------------|--|---|
| 55 | 06-23-2006 | Information Disclosure Statement considered | 0 |
| 54 | 10-23-2006 | Information Disclosure Statement considered | 0 |
| 53 | 11-16-2006 | Information Disclosure Statement considered | 0 |
| 52 | 08-23-2007 | Information Disclosure Statement considered | 0 |
| 51 | 07-21-2008 | Information Disclosure Statement considered | 0 |
| 50 | 10-20-2008 | Information Disclosure Statement considered | 0 |
| 46 | 10-20-2008 | Information Disclosure Statement (IDS) Filed | 0 |
| 41 | 10-04-2008 | Case Docketed to Examiner in GAU | 0 |
| 40 | 09-09-2008 | Case Docketed to Examiner in GAU | 0 |
| 39 | 09-03-2008 | Case Docketed to Examiner in GAU | 0 |
| 38 | 08-28-2008 | Case Docketed to Examiner in GAU | 0 |
| 37 | 07-21-2008 | Information Disclosure Statement (IDS) Filed | 0 |
| 35 | 02-19-2008 | Case Docketed to Examiner in GAU | 0 |
| 34 | 10-17-2007 | Withdraw Flagged for 5/25 | 0 |
| 33 | 10-16-2007 | Case Docketed to Examiner in GAU | 0 |
| 32 | 10-15-2007 | Flagged for 5/25 | 0 |
| 31 | 08-23-2007 | Reference capture on IDS | 0 |
| 30 | 08-23-2007 | Electronic Information Disclosure Statement | 0 |
| 29 | 08-23-2007 | Information Disclosure Statement (IDS) Filed | 0 |
| 28 | 06-14-2007 | Case Docketed to Examiner in GAU | 0 |
| 27 | 06-14-2007 | Case Docketed to Examiner in GAU | 0 |
| 26 | 11-16-2006 | Reference capture on IDS | 0 |
| 25.7 | 11-16-2006 | Information Disclosure Statement (IDS) Filed | 0 |
| 25 | 11-16-2006 | Information Disclosure Statement (IDS) Filed | 0 |
| 24 | 10-23- | Reference capture on IDS | 0 |

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|------|------------|--|---|
| | 2006 | | |
| 23.7 | 10-23-2006 | Information Disclosure Statement (IDS) Filed | 0 |
| 23 | 10-23-2006 | Information Disclosure Statement (IDS) Filed | 0 |
| 22 | 10-19-2006 | Case Docketed to Examiner in GAU | 0 |
| 21 | 10-17-2006 | Case Docketed to Examiner in GAU | 0 |
| 20 | 10-10-2006 | Case Docketed to Examiner in GAU | 0 |
| 19 | 10-10-2006 | Case Docketed to Examiner in GAU | 0 |
| 18 | 10-05-2006 | Case Docketed to Examiner in GAU | 0 |
| 17.7 | 06-23-2006 | Electronic Information Disclosure Statement | 0 |
| 17 | 06-23-2006 | Information Disclosure Statement (IDS) Filed | 0 |
| 16 | 05-08-2006 | Reference capture on IDS | 0 |
| 15.7 | 05-08-2006 | Information Disclosure Statement (IDS) Filed | 0 |
| 15 | 05-08-2006 | Information Disclosure Statement (IDS) Filed | 0 |
| 14 | 03-21-2006 | Case Docketed to Examiner in GAU | 0 |
| 13 | 01-27-2006 | Case Docketed to Examiner in GAU | 0 |
| 12 | 05-16-2005 | Case Docketed to Examiner in GAU | 0 |
| 11 | 08-09-2004 | IFW TSS Processing by Tech Center Complete | 0 |
| 10 | 02-20-2004 | Preliminary Amendment | 0 |
| 9 | 08-09-2004 | Case Docketed to Examiner in GAU | 0 |
| 8 | 05-13-2004 | Application Return from OIPE | 0 |
| 7 | 05-13-2004 | Application Return TO OIPE | 0 |
| 6 | 05-13-2004 | Application Dispatched from OIPE | 0 |
| 5 | 05-14-2004 | Application Is Now Complete | 0 |
| 4 | 03-24-2004 | Cleared by OIPE CSR | 0 |
| 3 | 03-24-2004 | CASE CLASSIFIED BY OIPE | 0 |

| | | | |
|---|----------------|--------------------------------------|---|
| 2 | 03-16- 2004 | IFW Scan & PACR Auto Security Review | 0 |
| 1 | 02-20- 2004 | Initial Exam Team nn | 0 |

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